

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|-------------------------------|
| IVAN WHITE, | : | |
| | : | |
| Plaintiff, | : | Civil Action No. 1:16-CV-0675 |
| | : | |
| v. | : | (Judge Mannion) |
| | : | |
| DARRELL WIREMAN, <i>et al.</i> , | : | (Magistrate Judge Carlson) |
| | : | |
| Defendants | : | |

MOTION FOR LEAVE TO DEPOSE PLAINTIFF

AND NOW, come the DOC Defendants, by and through counsel, and hereby respectfully request leave to depose the Plaintiff pursuant to Fed.R.Civ.Proc. 30(a)(2)(B) and further state as follows:

1. Plaintiff is an inmate at SCI-Huntingdon.
2. Plaintiff initiated this civil rights action through counsel on April 22, 2016.
3. DOC Defendants filed their answer with affirmative defenses on April 3, 2018.
4. Fact discovery is currently scheduled to close November 5, 2018.
5. Defendants would like to depose Plaintiff to properly investigate his claims and to prepare their defenses.
6. Pursuant to Fed.R.Civ.Proc. 30(a)(2)(B), a party must obtain leave of court if the person to be examined is confined in prison.

WHEREFORE, DOC Defendants respectfully request that the Court grant leave to depose Plaintiff.

Respectfully submitted,

By: /s/ Vincent R. Mazeski
Vincent R. Mazeski
Assistant Counsel
Attorney I.D. No. PA73795
Pennsylvania Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763
Fax No.: (717) 728-0312
Email: vmazeski@pa.gov

Dated: September 26, 2018

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CERTIFICATE OF NONCONCURRENCE

The undersigned, Vincent R. Mazeski, counsel for DOC Defendants, hereby certifies that Counsel for Plaintiff does not concur with this motion due to her issues with legal mail and visitation.

Respectfully submitted,

By: /s/ Vincent R. Mazeski
Vincent R. Mazeski
Assistant Counsel
Attorney I.D. No. PA73795
Pennsylvania Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763
Fax No.: (717) 728-0307
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CERTIFICATE OF SERVICE

I hereby certify that the within Motion has been filed electronically and is available for viewing and downloading from the ECF system by Marianne Sawicki counsel for Plaintiff and therefore satisfies the service requirements under *Fed.R.Civ.P. 5(b)(2)(E); L.R. 5.7*.

/s/ Vincent R. Mazeski
Vincent R. Mazeski
Assistant Counsel
Attorney I.D. No. PA73795
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